

1 Steven S. Vahidi (SBN 283951)
Steven@VahidiLawGroup.com
2 Troy D. Vahidi (SBN 253297)
Troy@VahidiLawGroup.com
3 **VAHIDI LAW GROUP**
5000 Birch Street, West Tower, Suite 3000
4 Newport Beach, CA 92660
MAILING ADDRESS:
5 **17130 VAN BUREN BLVD., #130**
RIVERSIDE, CA 92504
6 Telephone: 833.852.8529

7 Attorneys for Defendant
LIBBEY GLASS LLC
8

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**

11
12 JESSICA MARIE SHAVER,

13 Plaintiff,

14 vs.
15

16 LIBBEY GLASS LLC, and DOES 1 to
17 50,

18 Defendants.
19

CASE NO. 2:22-cv-07092

**NOTICE OF REMOVAL;
DECLARATION OF TROY D.
VAHIDI, ESQ. IN SUPPORT**

Assigned to Hon.
Courtroom:

Action Filed: August 30, 2022
Trial Date: None

20 **NOTICE OF REMOVAL**
21

22 Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant LIBBEY GLASS LLC
23 (hereinafter referred to as “Defendant”), by and through its attorneys hereby submits this
24 Notice of Removal from the Superior Court of California, County of Los Angeles, in
25 which the above-captioned matter is now pending, to the United States District Court for
26 the Central District of California-Western Division. In support of said Notice, Defendant
27 states as follows:
28

Nature of Action

1
2 1. This is a product liability action in which plaintiff Jessica Marie Shaver
3 (herein referred to as “Plaintiff”) alleges her right hand was “severely lacerated by a
4 large shard of glass” while she was attempting to salt the rim of a defective “small rocks
5 glass.” Plaintiff alleges that she was performing her duties as a bartender at a restaurant,
6 preparing drinks, when the small rocks glass “spontaneously and unexpectedly failed
7 and shattered in her hands.”

8 2. Plaintiff alleges that the “small rocks glass” at issue was manufactured by
9 Defendant.

10 3. Plaintiff commenced this action on August 30, 2022, by filing a civil short-
11 form Complaint in the Superior Court of California, County of Los Angeles, bearing
12 Docket No. 22STCV28306, and captioned as above.

13 4. Pursuant to 28 U.S.C. § 1446(a) copies of all process, pleadings and orders
14 served upon this Defendant are attached hereto as **Exhibit A**.

Timeliness of Removal

15
16 5. Defendant first received notice of this action by receipt of a copy of the
17 Summons and Complaint on September 2, 2022, by way of regular mail. This was
18 Defendant’s first notice of the within action.

19 6. This Notice of Removal is being filed within thirty (30) days after receipt
20 of the original Complaint by Defendant, and is therefore timely pursuant to 28 U.S.C. §
21 1446(b).

Amount in Controversy

22
23 7. Plaintiff’s Complaint alleges that Plaintiff’s right hand was “severely
24 lacerated by a large shard of glass. Plaintiff’s Complaint further alleges that as a result
25 of Defendant’s actions she experienced “a great deal of pain and suffering, residual
26 injuries, permanent scarring and functional limitations that affect her activities of daily
27 living.” Plaintiff seeks compensatory damages for pain and suffering, and loss of
28 earning capacity. in addition to special damages for medical expenses and wage loss.

1 Plaintiff also seeks punitive damages.

2 8. Based upon the above, and the attached Declaration of Troy D. Vahidi Esq.,
 3 it is respectfully submitted that the amount in controversy exceeds \$75,000.00, exclusive
 4 of interest and costs.

5 **Diversity of Citizenship**

6 9. Plaintiff's Complaint alleges that Plaintiff, Jessica Marie Shaver is a citizen
 7 of California and resides in Los Angeles County, California.

8 10. Defendant Libbey Glass LLC is an Ohio Limited Liability Company with
 9 its principal place of business in Toledo, (Lucas County) Ohio. Additionally, Libbey
 10 Glass LLC's sole member is LG Acquirer Holdco Inc. LG Acquirer Holdco Inc. is a
 11 Delaware Domestic Corporation, with its principal place of business in Toledo, Ohio,
 12 and thus is a citizen of Ohio. Accordingly, Libbey Glass LLC is a citizen of Ohio.

13 11. Pursuant to 28 U.S.C. § 1332(c)(1) full diversity exists among all parties in
 14 this action since Defendant was formed, incorporated and maintains its principal place
 15 of business in a different state than in which Plaintiff resides.

16 **Plea for Removal**

17 12. Insofar as the amount in controversy is alleged to exceed \$75,000.00 and
 18 full diversity exists between the parties, removal is proper pursuant to 28 U.S.C. §
 19 1332(a) and 28 U.S.C. § 1441(a). Contemporaneously herewith, written notice is given
 20 to all parties and to the Clerk of the Superior Court of California, County of Los Angeles,
 21 that this Notice of Removal is being filed with this Court.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 WHEREFORE, Defendant, Libbey Glass LLC, files this Notice of Removal so
2 that the entire state court action under Docket No. 22STCV28306, now pending in the
3 Superior Court of California, County of Los Angeles, shall be removed to this Court for
4 all further proceedings.

5
6 Dated: September 29, 2022

VAHIDI LAW GROUP

7
8 By: 
9 STEVEN S. VAHIDI
TROY D. VAHIDI

10 Attorneys for Defendant
11 LIBBEY GLASS LLC
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VAHIDI LAW GROUP
5000 BIRCH STREET, WEST TOWER, SUITE 3000
NEWPORT BEACH, CA 92660
TEL. 833.852.8529

DECLARATION OF TROY D. VAHIDI, ESQ.

I, Troy D. Vahidi, Esq., declare:

1. I am an attorney duly licensed to practice before all courts of the State of California and an attorney with the law firm Vahidi Law Group, attorneys of record for Libbey Glass LLC, a party to this action, and have personal knowledge of each and all of the facts stated in this declaration. If called as a witness, I could and would competently testify to the facts contained herein.

2. This Declaration is made in support of the "NOTICE OF REMOVAL" submitted by Defendant Libbey Glass LLC.

3. On September 28, 2022, I met and conferred via telephone with Plaintiff's attorney of record, Manee Pazargad, Esq., to discuss Defendant Libbey Glass LLC's intent to Remove this case to Federal Court based on diversity jurisdiction. I asked counsel, in order to avoid this motion, if Plaintiff would stipulate that Plaintiff's total damages do not exceed the Federal jurisdictional amount in controversy requirement of \$75,000 exclusive of interest and costs. Mr. Pazargad declined and understood that Defendant would thus file this Notice of Removal to federal court based on diversity jurisdiction.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this September 29, 2022, at Newport Beach, California.



TROY D. VAHIDI, Esq., Declarant

PROOF OF SERVICE**JESSICA MARIE SHAVER v. LIBBEY GLASS LLC**

U.S.D.C. Central Dist. of CA - Western Div.

CASE NO. 2:22-cv-07092

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Riverside, State of California. My business address is 17130 Van Buren Blvd., #130, Riverside, CA 92504.

On September 29, 2022, I served the following document(s) described as:

NOTICE OF REMOVAL; DECLARATION OF TROY D. VAHIDI, ESQ. IN SUPPORT

on the interested parties in this action by placing ☐ the original ☒ true copies thereof enclosed in sealed envelopes addressed as follows:

Manee Pazargad GP Law Group, Inc. 15915 Ventura Blvd., Ste. 301 Encino, CA 91436	Attorneys for Plaintiff JESSICA MARIE SHAVER T: 310-860-0600 F: 310-861-0506 Email: mp@gplitigation.com
-------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------

☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

☒ **BY EMAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from e-mail address *kerry@vahidilawgroup.com* to the person(s) at the email address(es) listed on the Proof of Service/Service List. I did not receive, within a reasonable time after transmission, any electronic message or other indication that the transmission was unsuccessful.

Executed on September 29, 2022, at Riverside, California.


 Kerry Powers